

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

Attorney's Docket Number

02481.1603

U.S. Application No.

09/101,672

International Application. No.

International Filing Date

Priority Date Claimed

PCT/EP97/01167

March 07, 1997

March 20, 1996

Title of Invention

PREPARATION CONTAINING A COMBINATION OF 5-METHYLISOXAZOLE-4-CARBOXYLIC
ACID-(4-TRIFLUOROMETHYL)-ANILIDE AND N-(4-TRIFLUOROMETHYLPHENYL) 2-CYANO-3-HYDROXYCROTONIC
ACID AMIDE

Applicants For DO/EO/US

Robert BARTLETT and Johann THEN

Applicants herewith submit to the United States Designated/Elected Office (DO/EO/US)
the following items and other information:

1. ☐ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SUBSTITUTE preliminary amendment.
15. ☐ A substitute specification.
16. ☒ A change of attorney and/or address letter.
17. ☒ Other items or information:
 - a. ☒ Declaration of Legal Representation.
 - b. ☒ Copy of Notification of Missing Requirements.
 - c. ☒ Petition For ONE Month Extension Of Time To File Response To Notification of Missing Requirements and check for the extension fee in the amount of \$110.00.

10/27/1998 PVLPE

00000001 09101672

01 FC 115

02 FC 154

110.00 DE

138.00 DE

U.S. APPLICATION NO.
09/101,672

INTERNATIONAL APPLICATION NO.
PCT/EP97/01167

ATTORNEY DOCKET NUMBER
02481.1603

17. [X] The following fees are submitted:

CALCULATIONS

Basic National Fee (37 CFR 1.492(a)(1)-(5)):

Search Report has been prepared by the EPO or JPO.....\$930.00
International preliminary examination fee paid to
USPTO (37 CFR 1.482).....\$720.00
No international preliminary examination fee paid to
USPTO (37 CFR 1.482) but international search fee
paid to USPTO (37 CFR 1.445(a)(2)).....\$790.00
Neither international preliminary examination fee
(37 CFR 1.482) nor international search fee
(37 CFR 1.445(a)(2)) paid to USPTO.....\$1,070.00
International preliminary examination fee paid to USPTO
(37 CFR 1.482) and all claims satisfied provisions
of PCT Article 33(1)-(4).....\$ 98.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$

Surcharge of \$130.00 for furnishing the oath or declaration later than
[] 20 [X] 30 months from the earliest claimed priority date
(37 CFR 1.492(e)).

\$ 130.00

Claims	Number Filed	Number Extra	Rate
Total Claims	18-20=		X \$22.00
Independent Claims	4 - 3=		X \$82.00
Multiple dependent claim(s) (if applicable)			+\$270.00

TOTAL OF ABOVE CALCULATIONS =

\$ 130.00

Reduction by 1/2 for filing by small entity, if applicable. Verified
Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28)

\$

SUBTOTAL =

\$ 130.00

Processing fee of \$130.00 for furnishing the English translation later
than [] 20 [] 30 months from the earliest claimed priority date
(37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$ 130.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The
assignment must be accompanied by an appropriate cover sheet
(37 CFR 3.28, 3.31).

\$40.00 per property +

\$

TOTAL FEES ENCLOSED =

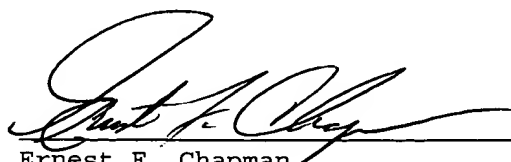
\$ 130.00

Amount to be
refunded \$
charged \$

- a. [X] A check in the amount of \$ 130.00 to cover the above fees is enclosed.
b. [X] A separate check in the amount of \$110.00 to cover the ONE month extension
fee is enclosed.
c. [] Please charge my Deposit Account No. _____ in the amount of \$ _____
to cover the above fees. A duplicate copy of this sheet is enclosed.
d. [X] The Commissioner is hereby authorized to charge any additional fees
which may be required, or credit any overpayment to Deposit Account
No. 06-0916. A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge any other fees due under 37 C.F.R. \$1.16
or \$1.17 during the pendency of this application to our Deposit Account No. 06-0916.

SEND ALL CORRESPONDENCE TO:
Finnegan, Henderson, Farabow
Garrett & Dunner
1300 I Street, N.W.
Washington, D.C. 20005-3315


Ernest F. Chapman
Reg. No. 25,961

02481.1603
Submitted: October 23, 1998



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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09/101672

BARTLETT

R.

024811603

FINNEGAN HENDERSON FARABOW GARRETT &
DUNNER

1300 I STREET, N.W.
WASHINGTON, DC 20005 3315

INTERNATIONAL APPLICATION NO.

PCT/EP97/01167

I.A. FILING DATE

PRIORITY DATE

07 MAR 97

20 MAR 96

DATE MAILED:

26 AUG 1998

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED
STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

☐ a Designated Office (37 CFR 1.494),

☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ a non-English language.

☐ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 15 JUL 1998 and

☒ Information Disclosure Statement(s) filed 15 JUL 1998 and

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Verified Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Paulette Kidwell, Paralegal

Telephone: 703-305-3656

RECEIVED

AUG 28 1998

FINNEGAN, HENDERSON, FARABOW,
GARRETT AND DUNNER, LLP

AUG 28 1998

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

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ATTORNEY DOCKET NO. 02481.1603

BOX PCT

Assistant Commissioner for Patents
Washington, D.C. 20231

National Stage of International Application No. PCT/EP97/01167
under 35 U.S.C. 371, for
PREPARATION CONTAINING A COMBINATION OF
5-METHYLISOXAZOLE-4-CARBOXYLIC ACID- (4-TRIFLUOROMETHYL) -ANILIDE
AND N- (4-TRIFLUOROMETHYLPHENYL) 2-CYANO-3-HYDROXYCROTONIC ACID
AMIDE

Inventors: Robert BARTLETT and Johann THEN
Serial No.: 09/101,672
Filed: July 15, 1998

Sir:

PETITION FOR EXTENSION OF TIME
TO RESPOND TO NOTIFICATION OF MISSING REQUIREMENTS


Applicants hereby petition for a ONE (1) month extension of
time to respond to the Notification of Missing Requirements dated
August 26, 1998.

A check in the amount of \$110.00 is enclosed. This amount
represents the extension fee for filing the Response To The
Notification of Missing Requirements within ONE month following
the expiration of the due date.

If there are any other fees due in connection with the filing
of the Petition or Response, please charge the fees to our Deposit
Account No. 06-0916. If a fee is required for an extension of
time under 37 C.F.R. § 1.136 not accounted for above, such an
extension is requested and the fee should also be charged to our
Deposit Account.

Respectfully submitted,

By:


Ernest F. Chapman
Reg. No. 25,961

Dated: October 23, 1998